

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

DONOVAN FRANCIS,  
a/k/a "Brian,"

Defendant.

FELONY INFORMATION

S3 04 Cr. 1036 (GEL)

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
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COUNT ONE

The United States Attorney charges:

1. From in or about 2003, up to and including in or about January 2004, in the Southern District of New York and elsewhere, DONOVAN FRANCIS, a/k/a "Brian," the defendant, and others known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree together and with each other to commit robbery, as that term is defined in Title 18, United States Code, Section 1951(b)(1), to wit, FRANCIS and others known and unknown conspired to commit robberies of narcotics traffickers, and would and did thereby obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3).

OVERT ACTS

2. In furtherance of said conspiracy and to effect the illegal object thereof, the following overt acts, among

others, were committed in the Southern District of New York and elsewhere:

a. On or about July 23, 2003, DONOVAN FRANCIS, a/k/a "Brian," the defendant, and others known and unknown, participated in an attempted robbery in the vicinity of 116 West Kingsbridge Road, Mt. Vernon, New York.

b. In or about December 2003, DONOVAN FRANCIS, a/k/a "Brian," the defendant, and others known and unknown, participated in a robbery in the vicinity of the Grand Concourse and 192<sup>nd</sup> Street, Bronx, New York, during which United States currency was stolen.

c. In or about January 2004, DONOVAN FRANCIS, a/k/a "Brian," the defendant, and others known and unknown, participated in a attempted robbery in the vicinity of Commonwealth Avenue, Bronx, New York.

(Title 18, United States Code, Section 1951.)

**FORFEITURE ALLEGATION AS TO COUNT ONE**

3. As a result of committing the robbery offense alleged in Count One this Information, in violation of Section 1951 of Title 18, United States Code, DONOVAN FRANCIS, a/k/a "Brian," the defendant, shall forfeit to the United States pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461, all property,

real and personal, that constitutes or is derived from proceeds traceable to the commission of the robbery offense, including but not limited to the following:

a. A sum of money equal to \$1.6 million in United States currency, representing the amount of proceeds obtained as a result of the charged robbery offense, for which the defendant is jointly and severally liable with his co-conspirators.

Substitute Assets

b. If any of the above-described forfeitable property, as a result of any act or omission of the defendant(s):

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third person;
- (3) has been placed beyond the jurisdiction of the Court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b) and Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of

said defendants up to the value of the above forfeitable property.

(Title 18, United States Code, Sections 981 and 1951;  
Title 28, United States Code, Section 2461.)

*michael Garcia*  
MICHAEL J. GARCIA *JMR*  
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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MICHAEL J. GARCIA  
United States Attorney.

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